

FORM NLRB-501
(2-18)

RECEIVED
 UNITED STATES OF AMERICA
 NATIONAL LABOR RELATIONS BOARD
 CHARGE AGAINST EMPLOYER REGION 8

DO NOT WRITE IN THIS SPACE	
Case 08-CA-257647	Date Filed 3/9/2020

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer The Illuminating Company		b. Tel. No. 440-546-8866
		c. Cell No. 330-690-5061
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 6896 Miller Road Brecksville, OH 44141	e. Employer Representative Mark Jones	g. e-mail jonesm@firstenergycorp.com
		h. Number of workers employed Approximately 800
i. Type of Establishment (factory, mine, wholesaler, etc.) Electric Utility	j. Identify principal product or service Electrical Distribution	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about March 6, 2020 and continuing to the present date (b) (6), (b) (7)(C) did threaten, intimidate, and coerce members of Local 270 UAWA that if they did not work overtime that the company would use contractors in their place. This statement by (b) (6), (b) (7)(C) was backed up by (b) (6), (b) (7)(C)

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Utility Workers Union of America Local 270, AFL-CIO

4a. Address (Street and number, city, state, and ZIP code) 1400 East Schaaf Road Brooklyn Heights, OH 44131	4b. Tel. No. 216-398-6153
	4c. Cell No. 216-310-0052
	4d. Fax No. 216-398-6158
	4e. e-mail fjmez@local270.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

Utility Workers Union of America Local 270, AFL-CIO

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.


 (signature of representative or person making charge)

Frank Mezmarich

(Print/type name and title or office, if any)

1400 East Schaaf Road
 Address Brooklyn Heights, OH 44131

Date 9 March 2020

Tel. No.
216-398-6153
 Office, if any, Cell No.
216-310-0052
 Fax No.
216-398-6153
 e-mail
fjmez@local270.org

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

The Illuminating Company

&

UWUA Local 270

08-CA-257647

TO: (Check One Box Only)¹

☒

REGIONAL DIRECTOR

☐

EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, DC 20570

☐

GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
WASHINGTON, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF RESPONDENT **FirstEnergy Corp** IN THE ABOVE CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒

REPRESENTATIVE IS AN ATTORNEY

☐

IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SECTIONS 102.14 AND 102.113 OF THE BOARD'S RULES AND REGULATIONS.

(REPRESENTATIVE INFORMATION)

NAME: David S. Farkas, Esq.

MAILING ADDRESS: FirstEnergy Corp., 76 S. Main Street, 15th Floor, Akron, OH 44308

EMAIL ADDRESS: dfarkas@firstenergycorp.com

OFFICE TELEPHONE NUMBER: (330) 384-4844

CELL PHONE NUMBER: (330) 203-2578 **FAX:** (330) 384-3875

SIGNATURE: electronic signature – David Farkas

(Please sign in ink)

DATE: March 24, 2020

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov
Telephone: (216)522-3715
Fax: (216)522-2418

April 30, 2020

David S. Fargas, Esq.
First Energy Corporation
76 S. Main St., 15th Floor
Akron, OH 44308

Re: The Cleveland Electric Illuminating
Company, aka CEI, an operating company
of FirstEnergy
Case 08-CA-257647

Dear Mr. Fargas:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

NORA F. MCGINLEY
Acting Regional Director

cc: Mark Jones
The Cleveland Electric Illuminating
Company, aka CEI, an operating company
of FirstEnergy
6896 Miller Rd
Brecksville, OH 44141-3222

Frank Meznarich, President
Utility Workers of America Local 270,
AFL-CIO
1400 E Schaaf Rd
Brooklyn Heights, OH 44131-1322

FORM NLRB-501
(2-18)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
08-CA-258402Date Filed
3/25/2020

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer The Illuminating Company		b. Tel. No. 330-761-4207
		c. Cell No. 330-414-6303
		f. Fax No. 330-777-6589
d. Address (Street, city, state, and ZIP code) 76 South Main Street Akron, OH 44308	e. Employer Representative David Winston	g. e-mail dwinston@firstenergycorp.com
		h. Number of workers employed Approximately 850
i. Type of Establishment (factory, mine, wholesaler, etc.) Electric Utility	j. Identify principal product or service Electrical Distribution	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about March 1, 2020 and continuing to the present date company representatives did coerce and intimidate (b) (6), (b) (7)(C) due to (b) (6) Union affiliation and (b) (6) wide range of duties as (b) (6), (b) (7)(C) of the union.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Utility Workers Union of America Local 270, AFL-CIO

4a. Address (Street and number, city, state, and ZIP code)

1400 East Schaaf Road
Brooklyn Heights, OH 441314b. Tel. No.
216-398-61534c. Cell No.
216-310-00524d. Fax No.
216-398-61584e. e-mail
fjmcz@local270.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

Utility Workers Union of America Local 270, AFL-CIO

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Frank J. Mezmarich

Tel. No.
216-398-6153

Office, if any, Cell No.

Fax No.
216-398-6158e-mail
fjmcz@local270.orgAddress 1400 East Schaaf Road
Brooklyn Heights, OH 44131

Date 25 March 2020

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



LOCAL 270 U.W.U.A., AFL-CIO

DATE: 19 MAY 2020

Send to: NLRB

Attention: Melanie Bordelois

Office Location: 1240 East Ninth Street,
Room 1695
Cleveland, OH 44199

Fax Number: 216-522-2418

From: Frank Meznarich

Office: 1400 East Schaaf Road
Brooklyn Heights, OH 44131-1322

Phone Number: 216-398-6153 Ext.6

FAX Number: 216-398-6158

Number of Pages, Including Cover: 2

☐ URGENT

☐ FOR YOUR INFORMATION

☐ REPLY ASAP

☐ PLEASE COMMENT

☐ PLEASE REVIEW

AMENDED CHARGE

The information contained in this message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately, and delete the original message.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
08-CA-258402	5/19/20

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer The Cleveland Electric Illuminating Company, aka CEI, an operating company of FirstEnergy		b. Tel. No. (440)546-8866
		c. Cell No. (330)690-5061
d. Address (street, city, state ZIP code) 6896 Miller Rd, Brecksville, OH 44141-3222	e. Employer Representative Mark Jones	f. Fax No.
		g. e-Mail jonesm@firstenergycorp.com
		h. Dispute Location (City and State) Brecksville, OH
i. Type of Establishment (factory, nursing home, hotel) Electric Utility	j. Principal Product or Service Electrical Distribution	k. Number of workers at dispute location 800

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about six months prior to the filing of the original charge in this matter, the above-named Employer, by its officers, agents and representatives, violated the Act by coercing and intimidating (b) (6), (b) (7)(C) because of Union activities and membership.

By the acts set forth in the paragraph above and by other acts and conduct, the above-named Employer has interfered with, restrained, and coerced and is interfering with, restraining, and coercing its employees in the exercise of their rights guaranteed in Section 7 of the said Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

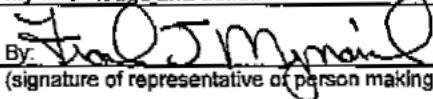
Utility Workers Union of America Local 270 AFL-CIO

4a. Address (street and number, city, state, and ZIP code) 1400 E Schaaf Rd, Brooklyn Heights, OH 44131-1322	4b. Tel. No. (216)398-6153
	4c. Cell No. (216)310-0052
	4d. Fax No. (216)396-6158
	4e. e-Mail fjmez@local270.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

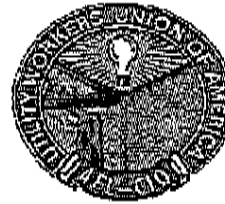
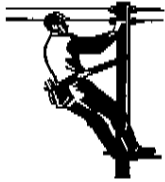
6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By: 	Frank J. Mezmarich President	Tel. No. (216)398-6153
(signature of representative of person making charge)	Print Name and Title	Office, if any, Cell No. (216)310-0052
Address: 1400 E Schaaf Rd, Brooklyn Heights, OH 44131-1322	Date:	Fax No. (216)396-6158
		e-Mail fjmez@local270.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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LOCAL 270 U.W.U.A., AFL-CIO

DATE: 8 AUG 2020

Send to: NLRB

Attention: Melanie Bordelois

Office Location: 1240 E. 9th St, Room 1695
Cleveland, OH 44199-2086

Fax Number: 216-522-2418

From: Frank Meznarich

Office: 1400 East Schaaf Road
Brooklyn Heights, OH 44131

Phone Number: 216-398-6153 Ext.6

FAX Number: 216-398-6158

Number of Pages, Including Cover: 2

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☐ FOR YOUR INFORMATION

☐ REPLY ASAP

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Charge against The Illuminating Company

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Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**SECOND AMENDED CHARGE AGAINST EMPLOYER**

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
08-CA-258402	8/10/20

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer The Cleveland Electric Illuminating Company, aka CEI, an operating company of FirstEnergy		b. Tel. No. (440)546-8866
d. Address (street, city, state ZIP code) 6896 Miller Road Brecksville, OH 44141-3222		c. Cell No. (330)690-5061
e. Employer Representative Mark Jones		f. Fax No. (330)777-8589
		g. e-Mail jonesm@firstenergycorp.com
		h. Dispute Location (City and State) Brecksville, OH
i. Type of Establishment (factory, nursing home, hotel) Electric utility	j. Principal Product or Service Electrical distribution	k. Number of workers at dispute location 800

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since or about six months prior to the filing of the original charge in this matter, the above-named Employer, by its officers, agents and representatives, violated the Act by coercing and intimidating (b) (6), (b) (7)(C) because of union activities and membership.

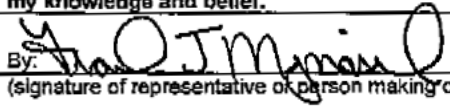
By the acts set forth in the paragraph above and by other acts and conduct, the above-named Employer has interfered with, restrained, and coerced and is interfering with, restraining, and coercing its employees in the exercise of their rights guaranteed in Section 7 of the said Act.

3. Full name of party filing charge (If labor organization, give full name, including local name and number)

Utility Workers Union of America Local 270 AFL-CIO

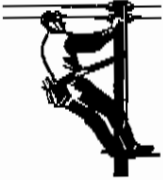
4a. Address (street and number, city, state, and ZIP code) 1400 E Schaaf Rd, Brooklyn Heights, OH 44131-1322	4b. Tel. No. (216)398-6153
	4c. Cell No. (216)310-0052
	4d. Fax No. (216)398-6158
	4e. e-Mail fjmez@local270.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (216)398-6153
By:  (signature of representative of person making charge)	Frank J. Mezmarich President Print Name and Title	Office, if any, Cell No. (216)310-0052
Address: 1400 E Schaaf Rd, Brooklyn Heights, OH 44131-1322	Date: 10 AUG 2020	Fax No. (216)398-6158
		e-Mail fjmez@local270.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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LOCAL 270 U.W.U.A., AFL-CIO

DATE: 13 AUGUST 2020

Send to: NLRB

Attention: Melanie Bordelois

Office Location: 1240 East Ninth Street,
Room 1695
Cleveland, OH 44199

Fax Number: 216-522-2418

From: Frank Meznarich

Office: 1400 East Schaaf Road
Brooklyn Heights, OH 44131-1322

Phone Number: 216-398-6153 Ext.6

FAX Number: 216-398-6158

Number of Pages, Including Cover: 2

☐ URGENT

☐ FOR YOUR INFORMATION

☐ REPLY ASAP

☐ PLEASE COMMENT

☐ PLEASE REVIEW

AMENDED CHARGE

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Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

THIRD AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE

Case

Date Filed

08-CA-258402

8/13/20

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer The Cleveland Electric Illuminating Company, aka CEI, an operating company of FirstEnergy		b. Tel. No. (440)546-8866
d. Address (street, city, state ZIP code) 6896 Miller Road Brecksville, OH 44141-3222		c. Cell No. (330)690-5061
e. Employer Representative Mark Jones		f. Fax No. (330)777-6589
		g. e-Mail jonesm@firstenergycorp.com
		h. Dispute Location (City and State) Brecksville, OH
i. Type of Establishment (factory, nursing home, hotel) Electric utility	j. Principal Product or Service Electrical distribution	k. Number of workers at dispute location 800

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

The above-named Employer, by its officers, agents and representatives, violated the Act by coercing, intimidating and retaliating against (b) (6), (b) (7)(C) because of (b) (6) union activities and membership including: around September 2019, instructing (b) (6) to notify (b) (6) immediate supervisor when (b) (6) goes to a different department in connection with (b) (6) Union duties; around September 2019, instructing (b) (6) to record time spent on Union duties on (b) (6) timesheet; around December 2019 and January 2020, questioning (b) (6) about a mileage reimbursement (b) (6) submitted; around December 2019 and March 2020, telling (b) (6) that (b) (6) behavior at grievance meetings was being looked at; around January 2020, instructing (b) (6) to submit a list of all grievance meetings (b) (6) would be attending for the coming week; around January 2020, intentionally failing to notify (b) (6) and another (b) (6), (b) (7)(C) that a meeting with employees was beginning; around March 2020, implicitly criticized (b) (6) for answering all of management's questions during a pre-shift meeting and thereafter abruptly ending a meeting during which (b) (6) was attempting to explain (b) (6) actions; around March 2, 2020, announcing that the Employer would no longer offer employees the option to start work one hour early, a decision that adversely affected only (b) (6) and (b) (6), (b) (7)(C). By the acts set forth above and by other acts and conduct, the above-named Employer has interfered with, restrained, and coerced and is interfering with, restraining, and coercing its employees in the exercise of their rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Utility Workers Union of America Local 270 AFL-CIO

4a. Address (street and number, city, state, and ZIP code)

1400 E Schaaf Rd,
Brooklyn Heights, OH 44131-1322

4b. Tel. No.

(216)398-6153

4c. Cell No.

(216)310-0052

4d. Fax No.

(216)398-6158

4e. e-Mail

fjmez@local270.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By: 
(signature of representative or person making charge)

Frank J. Mezmarich President

Print Name and Title

Address: 1400 E Schaaf Rd,
Brooklyn Heights, OH 44131-1322

Date: 13 AUG 2020

Tel. No.

(216)398-6153

Office, if any, Cell No.

(216)310-0052

Fax No.

(216)398-6158

e-Mail

fjmez@local270.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Agency Website: www.nlr.gov
Telephone: (216)522-3715
Fax: (216)522-2418

August 18, 2020

David S. Farkas, Esq., Sr. Corporate Counsel
FirstEnergy Service Co.
76 S Main St 15th Floor
Akron, OH 44308

Frank Meznarich SR., President
Utility Workers of America Local 270, AFL-CIO
1400 E Schaaf Rd
Brooklyn Heights, OH 44131-1322

Re: The Cleveland Electric Illuminating
Company, aka CEI, an operating company
of FirstEnergy
Case 08-CA-258402

Dear Mr. Farkas, Mr. Meznarich:

The Region has reviewed the Charge filed against The Cleveland Electric Illuminating Company, aka, CEI, an operating company of FirstEnergy, alleging that it violated the National Labor Relations Act. As explained below, I have determined that further proceedings on the Charge should be deferred in accordance with the Board's policy under *Dubo Manufacturing Company*, 142 NLRB 431 (1963).

Deferral Policy: The Board's *Dubo* deferral policy provides that this Agency withhold making a final determination on certain unfair labor practice charges when a grievance has been filed by the Charging Party under the grievance/arbitration provisions of a relevant collective bargaining agreement, and there is a reasonable chance that use of the grievance/arbitration machinery will resolve or set at rest the dispute underlying the charge. This policy is based in part on encouraging stability in labor relations by deferring to the parties' chosen means of dispute resolution, as well as avoiding duplicative litigation in multiple forums. Therefore, if the grievance continues to be processed through the grievance/arbitration machinery, the Regional Office will defer the charge.

Decision to Defer: Based on the Region's investigation of this matter, I am deferring further proceedings on the charge. I am making this determination based on my belief that there is sufficient commonality between the facts and issues underlying the allegations of the charge and the facts and issues underlying the allegations of the grievance that there is a reasonable chance that the parties' resolution of the grievance through the grievance/arbitration machinery will resolve or set at rest the dispute underlying the charge.

No Right of Appeal: Because the *Dubo* policy is based on the Charging Party's having filed and voluntarily processed a grievance under the parties' contractual dispute resolution process, there is no right to appeal the Region's deferral decision to the Office of the General Counsel.

Further Processing of the Charge: As explained below, while the charge is deferred, the Region will monitor the processing of the grievance and, under certain circumstances, may resume processing the charge.

Charging Party's Conduct During Dubo Deferral: Because Dubo deferral is dependent on the Charging Party's processing of a grievance through the grievance/arbitration procedure, the Region will revoke deferral and resume processing of the charge if the grievance is withdrawn by the Charging Party or a third party in control of the grievance/arbitration process, without an intervening settlement or other resolution of the issues on which deferral was based. However, in the event that a Charging Party elects to withdraw a grievance in lieu of *Dubo* deferral, and the Charged Party objects on the ground that deferral would be appropriate under the Board's separate, nonvoluntary deferral policy promulgated pursuant to *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984), the Region will determine whether deferral under *Collyer* is appropriate and, if so, issue a separate notification to the parties addressing their obligations and rights under that deferral policy.

Charged Party's Conduct During Dubo Deferral: If the Charged Party prevents or impedes hearing and resolution of the grievance, raises a timeliness defense, or otherwise refuses to address the merits of the grievance in the grievance/arbitration process, I will revoke deferral and resume processing of the charge.

Inquiries and Requests for Further Processing: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and whether continued deferral is appropriate. However, I will accept and consider at any time requests and supporting evidence submitted by any party to this matter for dismissal of the charge, for continued deferral of the charge or for issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the award is sent to the parties.

Review of Arbitrator's Award: If the grievance is arbitrated, the Charging Party may request that this office review the arbitrator's award. The request must be in writing and addressed to me. The request should discuss whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is clearly repugnant to the Act. Further guidance on the

The Cleveland Electric Illuminating
Company, aka CEI, an operating company
of FirstEnergy
Case 08-CA-258402

- 3 -

August 18, 2020

nature of this review is provided in *Spielberg Mfg. Co.*, 112 NLRB 1080 (1955), and *Olin Corp.*, 268 NLRB 573 (1984).

Very truly yours,

A handwritten signature in cursive script, reading "Nora McGinley". The signature is written in dark ink and is positioned above the typed name.

NORA F. MCGINLEY
Acting Regional Director

Enclosure

cc: David Winston, Esq.
FirstEnergy Generation Corporation
76 S Main St Fl 15
Akron, OH 44308-1812

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
NOTICE TO ARBITRATOR

TO: _____
(Arbitrator)

(Address)

NLRB Case Number
08-CA-258402

NLRB Case Name: The Cleveland Electric Illuminating Company, aka CEI, an
operating company of FirstEnergy

A determination has been made by the Regional Director of Region 08 of the National Labor Relations Board to administratively defer to arbitration the further processing of the NLRB charge in the above matter. Further, both parties to the NLRB case have agreed to proceed to arbitration before you in order to resolve the dispute underlying the NLRB charge.

So that the Regional Director can be promptly informed of the status of the arbitration, the undersigned hereby requests that a copy of the arbitration award be sent to Regional Director, Region 08, 1240 E 9TH ST, CLEVELAND, OH 44199-2086 at the same time that it is sent to the parties in the arbitration.

(Name)

(Title)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Agency Website: www.nlr.gov
Telephone: (216)522-3715
Fax: (216)522-2418

April 7, 2022

David S. Farkas, Senior Corporate Counsel
Metropolitan Edison Company (First Energy Corporation)
2800 Pottsville Pike
Reading, PA 19605

Re: The Cleveland Electric Illuminating
Company, aka CEI, an operating company
of FirstEnergy
Case 08-CA-258402

Dear Mr. Farkas:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "IVA Y. CHOE", with a long, sweeping horizontal line extending to the right.

IVA Y. CHOE
Regional Director

cc: David Winston, Esq.
FirstEnergy Generation Corporation
76 S Main St Fl 15
Akron, OH 44308-1812

Frank Mezmarich, President
Utility Workers of America
Local 270, AFL-CIO
1400 E Schaaf Rd
Brooklyn Heights, OH 44131-1322

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
08-CA-260678	5/21/20

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

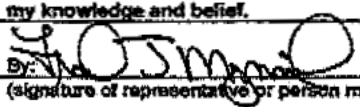
a. Name of Employer The Cleveland Electric Illuminating Company, aka CEI, an operating company of FirstEnergy		b. Tel. No. (440)546-8866
		c. Cell No. (330)690-5061
d. Address (street, city, state ZIP code) 6896 Miller Rd, Brecksville, OH 44141-3222	e. Employer Representative Mark Jones	f. Fax No.
		g. e-Mail jonesm@firstenergycorp.com
		h. Dispute Location (City and State) Brecksville, OH
i. Type of Establishment (factory, nursing home, hotel) Electric Utility	j. Principal Product or Service Electricity distribution	k. Number of workers at dispute location 800

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about May 14, 2020, the above-named Employer, by its officers, agents and representatives, retaliated against (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) Union activities and membership by (1) informing (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) would be coached by management on (b) (6), (b) (7)(C) behavior and (2) sending (b) (6), (b) (7)(C) home for the balance of the workday and the following workday.

By the acts set forth in the paragraph above and by other acts and conduct, the above-named Employer has interfered with, restrained, and coerced and is interfering with, restraining, and coercing its employees in the exercise of their rights guaranteed in Section 7 of the said Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number) Utility Workers Union of America Local 270 AFL-CIO	
4a. Address (street and number, city, state, and ZIP code) 1400 E Schaaf Rd, Brooklyn Heights, OH 44131-1322	4b. Tel. No. (216)398-6153
	4c. Cell No. (216)310-0052
	4d. Fax No. (216)398-6158
	4e. e-Mail fjmez@local270.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No. (216)398-6153
By:  (signature of representative or person making charge)	Office, if any, Cell No. (216)310-0052
Frank J. Mezmarich President Print Name and Title	Fax No. (216)398-6158
Address: 1400 E Schaaf Rd, Brooklyn Heights, OH 44131-1322	e-Mail fjmez@local270.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 8
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086

Agency Website: www.nlrb.gov
Telephone: (216)522-3715
Fax: (216)522-2418

August 7, 2020

Mark Jones
The Cleveland Electric Illuminating Company,
aka CEI, an operating company of FirstEnergy
6896 Miller Rd
Brecksville, OH 44141-3222

Re: The Cleveland Electric Illuminating
Company, aka CEI, an operating company
of FirstEnergy
Case 08-CA-260678

Dear Mr. Jones:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

NORA F. MCGINLEY
Acting Regional Director

cc: Frank Meznarich, President
Utility Workers Union of America Local
270, AFL-CIO
1400 E Schaaf Rd
Brooklyn Heights, OH 44131-1322